

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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281 CARE Committee, Ronald Stoffel,  
Citizens for Quality Education and Joel  
Brude,

Civil File No. 08-5215 (ADM/FLN)

Plaintiffs,

**ORDER AND ORDER FOR  
JUDGMENT**

vs.

Ross Arneson, in his official capacity as  
County Attorney for Blue Earth County,  
Minnesota, or his successor; and Mike  
Freeman, in his official capacity as County  
Attorney for Hennepin County, Minnesota,  
or his successor,

Defendants.

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This matter came before the Court pursuant to the mandate issued by the United States Court of Appeals for the Eighth Circuit [Docket No. 142] after the appeal of this Court's grant of summary judgment to Defendants in the above-captioned matter, and pursuant to the stipulation of the parties [Docket No. 143]. Based on the mandate and the parties' stipulation, **IT IS HEREBY ORDERED:**

1. Judgment shall be entered in favor of Plaintiffs and against Defendant Ross Arneson, in his official capacity as County Attorney for Blue Earth County, Minnesota, or his successor; and Defendant Mike Freeman, in his official capacity as County Attorney for Hennepin County, Minnesota, or his successor, on Claim I of the First Amended Complaint [Docket No. 23] for a Declaratory Judgment under 42 U.S.C. § 1983 and

28 U.S.C. § 2201 as follows: the Court declares that the portions of Minn. Stat. § 211B.06, Subd. 1 that prohibit deliberately false statements regarding “the effect of a ballot question” and designed “to promote or defeat a ballot question” violate the free speech guarantee of the First and Fourteenth Amendments to the United States Constitution;

2. With respect to Claim II of Plaintiffs’ First Amended Complaint [Docket No. 23] under 42 U.S.C. § 1983 for violation of the First Amendment guarantee to freedom of association, Claim II is dismissed without prejudice as moot because the relief sought is identical to the relief sought in Claim I.
3. With respect to Claim III of Plaintiffs’ First Amended Complaint [Docket No. 23], Claim III had been previously dismissed without prejudice [Docket No. 55];
4. With respect to Claim IV of Plaintiffs’ First Amended Complaint [Docket No. 23] for permanent injunctive relief based on a violation of Claim I, the Court hereby having entered judgment against Defendant Ross Arneson, in his official capacity as County Attorney for Blue Earth County, Minnesota, or his successor; and Defendant Mike Freeman, in his official capacity as County Attorney for Hennepin County, Minnesota, or his successor, on Claim I of the First Amended Complaint [Docket No. 23], the Court hereby Orders that Defendant Ross Arneson, in his official capacity as County Attorney for Blue Earth County, Minnesota, or his successor; and Defendant Mike Freeman, in his official capacity as County Attorney for Hennepin County, Minnesota, or his successor, are permanently enjoined from enforcing the portions of

Minn. Stat. § 211B.06, Subd. 1 that prohibit deliberately false statements regarding “the effect of a ballot question” and designed “to promote or defeat a ballot question”;

5. Plaintiffs included in the First Amended Complaint [Docket No. 23] a Claim V related to attorney fees and non-taxable costs and expenses under 42 U.S.C. § 1988. Because Plaintiffs prevailed on Count I of the First Amended Complaint, Plaintiffs are entitled to file a motion for their attorney fees and non-taxable costs and expenses under 42 U.S.C. § 1988 and Fed. R. Civ. P. 54(d)(2). By separate order pursuant to the parties’ Stipulation, the Court will issue a briefing schedule under Local Rule 54.3(b) regarding attorney fees and expenses under 42 U.S.C. § 1988 and Fed. R. Civ. P. 54(d)(2). Claim V will be dismissed without prejudice by the Court after the attorney fees and expenses motion is resolved or the parties otherwise agree to resolve attorney fees and expenses. Plaintiffs may file a request for taxable costs within 14 days of entry of judgment pursuant to Fed. R. Civ. P. 54(d)(1).
6. In Claim VI of the First Amended Complaint [Docket No. 23], Plaintiffs sought attorney fees and costs under the Minnesota Equal Access to Justice Act. Claim VI is dismissed without prejudice as moot.

**THERE BEING NO JUST REASON FOR DELAY, LET JUDGMENT BE ENTERED ACCORDINGLY.**

Dated: December 5, 2014

BY THE COURT:

s/Ann D. Montgomery  
ANN D. MONTGOMERY  
U.S. DISTRICT JUDGE